

July 18, 2016

By ECF

Judge Arlene R. Lindsay
United States District Court
Eastern District of New York
814 Federal Plaza
Central Islip, New York 11722-4451

Re: *Simmons et al. v. County of Suffolk et al.*, 2:14-cv-03884-AMD-ARL

Dear Judge Lindsay:

We represent the Plaintiff in this case. We write on behalf of all parties to request an extension of the discovery schedule.

Discovery in this wrongful death case is a significant undertaking. Plaintiff's decedent was killed during a police use of force incident that involved well over a dozen officers of the Suffolk County Police Department as well as other fire department and ambulance first responders. There are twelve individual Defendants. In addition to those twelve individual Defendants, all of whom must be deposed, there are at least three non-parties, and we believe several additional non-parties, who witnessed at least part of the incident. We therefore anticipate taking in the range of 15-20 fact depositions, and possibly more. It also is likely that there will be significant expert discovery, including with respect to police practices and pathology issues. There also are *Monell* claims.

Paper discovery is going well. Defendants have made several significant document productions. Counsel for both sides are working together constructively to ensure that any remaining document issues are resolved shortly. In the meantime, we are now in the process of scheduling the first depositions.

Given the number of depositions (including numerous non-party depositions) that need to be taken, the parties agree that a significant extension of the current discovery schedule is necessary and warranted. The parties therefore mutually propose the following amended schedule:

10/31/16 Close of fact discovery
12/16/16 Case-in-chief expert reports due
1/16/17 Rebuttal expert reports due
2/9/17 Close of expert discovery
2/13/17 Final conference (or such other date the Court chooses)

We recognize that we are seeking a significant extension, but the parties mutually agree that this proposed amended schedule is necessary and warranted given the amount of discovery that needs to be completed in this wrongful death case. We assure the Court that both sides are working diligently and share the mutual goal of preparing the case for trial as expeditiously as is practicable.

Thank you for your consideration of this joint request.

Respectfully submitted,



Eric Hecker

cc: All Counsel